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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

SYSCO FOOD SERVICES OF METRO
NEW YORK, LLC,

Civil Case No. 08-cv-02958

Plaintiff,

v.

JEKYLL & HYDE, INC.; and SIXTH
AVENUE FOOD SERVICES LTD,
Defendants.

**NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT
ON COUNTS I AND II OF THE AMENDED COMPLAINT
PURSUANT TO FED. R. CIV. P. 56**

PLEASE TAKE NOTICE that upon the annexed Declaration of Charnelle Harvey, sworn to on January 28, 2010, and all exhibits annexed thereto, plaintiff's Statement pursuant to Local Rule 56.1, the accompanying Memorandum of Law in Support, and all prior pleadings and proceedings in this action, plaintiff, Sysco Food Services of Metro New York LLC ("Sysco"), will move this Court, at a date and time to be determined, pursuant to Federal Rule of Civil

Procedure 56 seeking judgment on Counts I and II of the Amended Complaint against defendants and granting such other and further relief as this Court deems just and proper.

NOTICE IS FURTHER GIVEN that responses to the Motion, if any, shall be served on Norris McLaughlin & Marcus, P.A., 875 Third Avenue, 8th Floor, New York, New York, 10022. Dated: February 1, 2010
New York, New York

NORRIS MCLAUGHLIN & MARCUS, P.A.

/s/ Melissa A. Peña
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(Via ECF)